

JUDGMENT 17-cv-4298 (RJD)(RML)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
STEFFON BEST,

Plaintiff,

-against-

Police Officer ANDY CRUZ, et al.,

Defendants.

-----X

JUDGMENT
17-cv-4298 (RJD)(RML)

Defendants having offered Plaintiff Steffon Best to take a judgment against the City of New York in this action for the total sum of Twenty Five Thousand and One (\$25,001.00) Dollars, plus reasonable attorneys' fees, expenses, and costs to the date of this offer for Plaintiff Steffon Best's federal claims and Plaintiff Steffon Best having accepted said offer; it is

ORDERED and ADJUDGED that judgment is hereby entered pursuant to Rule 68 of the Federal Rules of Civil Procedure in favor of Plaintiff Steffon Best and against the City of New York in the total sum of Twenty Five Thousand and One (\$25,001.00) Dollars, plus reasonable attorneys' fees, expenses, and costs to the date of this offer for plaintiff Steffon Best's federal claims.

This judgment shall be in full satisfaction of all federal and state law claims or rights that plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendant, the City or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, and any currently named defendant who is hereafter served process in this action and represented by the Office of the Corporation

JUDGMENT 17-cv-4298 (RJD)(RML)

Counsel or any defendant who is hereafter added to this action and represented by the Office of the Corporation Counsel, in connection with the facts and circumstances that are the subject of this action.

This offer of judgment may only be accepted up to and including February 7, 2018.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by defendant or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that plaintiff has suffered any damages.

Acceptance of this offer of judgment will act to release and discharge defendant; his successors or assigns; the City of New York, and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by plaintiff arising out of the facts and circumstances that are the subject of this action.

Acceptance of this offer of judgment also will operate to waive plaintiff's rights to any claim for interest on the amount of the judgment.

Plaintiff Steffon Best agrees that payment of Twenty-Five Thousand and One (\$25,001.00) Dollars within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part. If plaintiff Steffon Best is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run

JUDGMENT 17-cv-4298 (RJD)(RML)

from the date plaintiff submits to counsel for defendant a final demand letter from Medicare.

By acceptance of this Rule 68 Offer of Judgment, plaintiff Steffon Best agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26. Plaintiff Steffon Best further agrees to hold harmless defendant, the City of New York, and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, regarding any past and/or future Medicare payments, presently known or unknown, made in connection with this matter.

The judgment shall contain and recite the terms and conditions set forth herein.

Dated: Brooklyn, New York
January 30, 2018

Douglas C. Palmer
Clerk of Court

by: /s/ Jalitza Poveda
Deputy Clerk